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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,472	08/16/2001	Alexander Vincent Danilo	169.2162	1181
5514	7590	03/26/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NOLAN JR, CHARLES H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/930,472	DANILO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Charles H Nolan, Jr.	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 August 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 18-38 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17,39 and 40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/18/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-17 and 39-40 in Paper No. received 8-1-03 is acknowledged. The traversal is on the ground(s) that both groups have the same classification and, second, that the search of both groups would not pose a serious burden on the Examiner. This is not found persuasive because it is noted that class 400 subclass 76 is a class for **program control**(that is program code and/or method claims) while class 358 subclass 1.16 is a class for **rendering devices**. Thus, the restriction of method and program claims to 400/76 was proper. It is noted that class 400 and class 358 are different art units and have different examiners connoting that the search of both inventions at the same time would require two different examiners and would pose a serious burden to the patent office.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by LeClair et al. (5,727,137, hereafter '137).

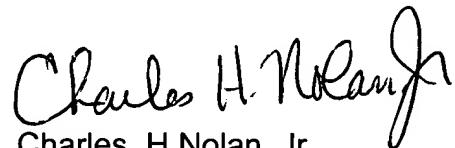
With respect to Claims 1, 4 and 9, '137 teaches the segmenting and rendering(sequentially rendering) steps( in the display resolution) in column 3, lines 55-

60, the combining and outputting steps in column 3, lines 63-67, the transferring step 655 on the front page diagram, the color converting step 640 on the front page diagram and transferring the current band to the raster scanned device(printer) 675 on the front page diagram. With respect to Claims 2,10, the Examiner considers the rendering device to be the CPU 205 in figure 2 which has the primary function of computing that excludes rendering to the printer(output device 235). With respect to Claims 3,11, the examiner considers on the of the primary functions of the CPU 205 to compute the placement of image data on the display device. With respect to Claims 5,12-13, '137 teaches the view transform( object alignment), modifying, building, restoing and converting steps in column 4, lines 63-66. With respect to Claim 6,17, '137 teaches the color converting in column 3, lines 57-58. With respect to Claims 7,14, '137 teaches the printer 235 in figure 2 and the printer codes (printer driver) in the Abstract. With respect to Claims 8,15, '137 teaches the setting step in his claim 6. With respect to Claim 16, '137 teaches the serial transfer in figure 7. With respect to Claims 39-40, note the rejection of Claims 1 and 9 above and the teaching of program codes in column 5, lines 35-55 and computer readable medium (product) in claims 12-19 of '137.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles H Nolan, Jr. whose telephone number is 571-272-2171. The examiner can normally be reached on Monday through Thursday 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charles H. Nolan, Jr.  
Primary Examiner  
Art Unit 2854

CHN